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Docket No. RSW9-2002-052US2 (1963-7422US1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hennessey :
Serial No.: 10/⁰¹⁴~~104~~,470 : Group Art Unit: 2175
Filed: December 14, 2001 : Examiner: Charles L. Rones
For: A REAL-TIME "GARBAGE COLLECTOR"

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)
TO OBVIATE PROVISIONAL DOUBLE PATENTING REJECTION**

Mail Stop - Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Washington, DC 20231

RECEIVED

JUN 09 2004

Technology Center 2100

Sir:

Identity of Assignee:

The petitioner, Object Technology Licensing Corporation having a business address at Cupertino, California is the owner of the entire right, title and interest in the above-identified US Application, Serial No. 10/104,470. The petitioner is also the owner of the entire, right, title and interest in USP 6,341,293 issued January 22, 2002.

Identification of Person(s) Making This Disclaimer:

Name of disclaimant: Joseph C. Redmond, Jr., Disclaimant represents that he is a Registered Patent Attorney, Registration No. 18,753 and an Attorney of Record for the above-identified application, and authorized to sign on behalf of the assignee identified above.

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Extent of Interest:

The extent of assignee's interest is in the whole of this invention.

Declaration Under 37 C.F.R. 3.73(b):

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

Disclaimer:

The petitioner, through its Attorney of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156, of USP 6,341,293. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the instant application and USP 6,341,293 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 of USP 6,341,293 in the event that it expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Fee Status:

(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

☒ other than a small entity--fee \$110.00

Serial No.: 10/104,470

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Fee Payment:

☐ Attached is a check in the sum of

☒ Charge Deposit Account 09-0461, Order No. RSW9-2002-052US2 (1963-7422US1)

for any fee required by this paper.

AUTHORIZATIONS:

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Amendment under 37 C.F.R. §§1.16 -§1.20 or credit any overpayment to Deposit Account No. 09-0461 Order No. Docket No. RSW9-2002-052US2 (1963-7422US1). A DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: May 3, 2005

By: Joseph C. Redmond, Jr.
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